



## CITY OF LODI

## COUNCIL COMMUNICATION

AGENDA TITLE: Resolution approving procedures for the election of members to redevelopment project area committees in the City of Lodi

MEETING DATE: September 5, 2001

PREPARED BY: Community Development Director

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RECOMMENDED ACTION: That the City Council adopt a Resolution approving procedures for the election of members to project area committees in the City of Lodi.

BACKGROUND INFORMATION: This action by the City Council is necessary in order to establish a project area committee for Redevelopment Project No. 1. The procedures contained in the attached document are, for the most part, boiler plate from the California Redevelopment Law. As described in the formation procedures, the project area committee is required whenever a project area will have certain eminent domain capabilities.

The election procedures contain all of the required elements necessary to conduct an election. It may seem like an involved process to establish the project area committee, but the intent of the law seems to provide for broad representation from all groups who might be affected both positively and negatively.

FUNDING: None required

Konradt Bartlam  
Community Development Director

Attachments

APPROVED: \_\_\_\_\_

H. Dixon Flynn -- City Manager

RESOLUTION NO. 2001-214

A RESOLUTION OF THE LODI CITY COUNCIL  
APPROVING AND ADOPTING PROCEDURES FOR  
THE ELECTION OF MEMBERS TO REDEVELOPMENT  
PROJECT AREA COMMITTEES IN THE CITY OF LODI

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WHEREAS, by Resolution No. 01-21, adopted on July 11, 2001, the Planning Commission of the City of Lodi selected and designated the boundaries (the "Project Area") of the Lodi Redevelopment Project No. 1 (the "Project"), approved a Preliminary Plan for the Project (the "Preliminary Plan"), and submitted said Preliminary Plan to the Redevelopment Agency of the City of Lodi (the "Agency"); and

WHEREAS, the Agency is preparing a proposed Redevelopment Plan for the Project; and

WHEREAS, Section 33385(a) of the California Community Redevelopment Law (Health and Safety Code Section 33000 et seq.) requires that the legislative body, under certain circumstances, call upon the residents and existing community organizations in a redevelopment project area to form a project area committee; and

WHEREAS, by Resolution No. 2001-215 adopted on September 5, 2001, the City Council of the City of Lodi (the "City Council") determined that a project area committee shall be formed for the Project and approved and adopted "Procedures for the Formation of a Project Area Committee for the Lodi Redevelopment Project No. 1"; and

WHEREAS, Sections 33385(c) and (d) of the Community Redevelopment Law require that project area committee members be elected and that the legislative body adopt, after a duly noticed public hearing, community wide procedures for the election of project area committee members; and

WHEREAS, proposed "Procedures for the Election of Members to Project Area Committees in the City of Lodi" have been prepared and are attached hereto and incorporated herein by this reference (the "PAC Election Procedures"); and

WHEREAS, notice of a public hearing to consider adoption of the proposed PAC Election Procedures was published in the Lodi News Sentinel on August 25, 2001; and

WHEREAS, the City Council held a public hearing on September 5, 2001, to consider adoption of the proposed PAC Election Procedures.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LODI DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. The City Council hereby approves and adopts the PAC Election Procedures.

Dated: September 5, 2001

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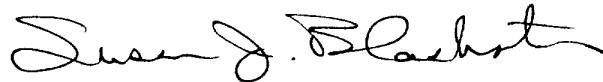
I hereby certify that Resolution No. 2001-214 was passed and adopted by the Lodi City Council in a regular meeting held September 5, 2001 by the following vote:

AYES: COUNCIL MEMBERS – Howard, Land, Pennino and Mayor Nakanishi

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – Hitchcock

A handwritten signature in black ink, reading "Susan J. Blackston". The signature is fluid and cursive, with the first name "Susan" and last name "Blackston" clearly legible.

SUSAN J. BLACKSTON  
City Clerk

**PROCEDURES FOR THE ELECTION OF MEMBERS  
TO PROJECT AREA COMMITTEES IN THE  
CITY OF LODI**

I. [§100] PURPOSE

The purpose of these PROCEDURES FOR THE ELECTION OF MEMBERS TO PROJECT AREA COMMITTEES IN THE CITY OF LODI (the "PAC Election Procedures") is to implement the provisions of Section 33385(d) of the California Community Redevelopment Law (Health and Safety Code Section 33000 et seq.) by establishing a communitywide process for the election of members to Project Area Committees ("PACs") in the City of Lodi.

II. [§200] DEFINITIONS

A. [§201] Agency

"Agency" means the Redevelopment Agency of the City of Lodi and any Agency staff, consultants, assignees, delegates, and City departments who may be assigned the duties and responsibilities for carrying out these PAC Election Procedures.

B. [§202] Business

"Business" means any lawful activity, conducted for the purpose of making a profit and primarily for the following:

1. The purchase, sale, lease, or rental of personal or real property and the manufacture, processing, or marketing of products, commodities, or other personal property; or
2. The sale of services to the public; or
3. Any other legally defined business purpose.

C. [§203] Business Owner

"Business Owner" means any person or legal entity which presents satisfactory evidence of ownership and operation of a business within the Project Area. Business Owners are separated into two separate categories for purposes of these PAC Election Procedures:

1. "Business Owner-Tenant" means any Business Owner who presents satisfactory evidence of lawful rental and occupancy of property

located within the Project Area where he or she operates his or her business.

2. "Business Owner-Property Owner" means any Business Owner who presents satisfactory evidence of ownership of the property located within the Project Area where he or she operates his or her business.

D. [§204] City

"City" means the City of Lodi, California.

E. [§205] Project

"Project" means the redevelopment project which is proposed to be adopted pursuant to the Community Redevelopment Law of the State of California (Health and Safety Code Section 33000 et seq.) and for which a preliminary plan has been adopted by the Planning Commission of the City of Lodi.

G. [§206] Project Area

"Project Area" means the area selected and designated as the redevelopment project area by the Planning Commission of the City of Lodi.

H. [§207] Project Area Committee ("PAC")

"Project Area Committee," or "PAC," means the Project Area Committee elected in accordance with these PAC Election Procedures for the Project Area.

I. [§208] Residential Owner-Occupant

"Residential Owner-Occupant" means any person who presents satisfactory evidence of ownership and occupancy of a residential dwelling located within the Project Area as his or her principal place of residence.

J. [§209] Residential Tenant

"Residential Tenant" means any person who presents satisfactory evidence of lawful rental and occupancy of a residential dwelling located within the Project Area as his or her principal place of residence.

### III. [§300] VOTER AND CANDIDATE ELIGIBILITY

#### A. [§301] General Eligibility Requirements

In order to qualify to vote for or be a candidate for election as a member of the PAC, a person must present proof that he or she is at least 18 years of age or older and either resides within the Project Area or owns and operates a business within the Project Area. Proof of voter eligibility shall be by voter affidavit given at the time of voting. Proof of candidate eligibility shall consist of a California driver's license or California identification card and such other proof as is required pursuant to the provisions set forth in paragraphs B and C of this Part III.

#### B. [§302] Required Proofs for Residential Owner-Occupant Category

Persons seeking to prove their eligibility for the category of Residential Owner-Occupant must, in addition to the proof required by paragraph A above, also provide evidence of current ownership and occupancy of property within the Project Area by such means as a copy of their property tax bill and one document verifying occupancy, such as a utility bill, printed check, or other similar document.

#### C. [§303] Required Proofs for Residential Tenant and Business Owner-Tenant Categories

Persons seeking to prove their eligibility for the Residential Tenant or Business Owner-Tenant categories must, in addition to the proof required by paragraph A above, also provide evidence of their current residential tenancy or business operation and ownership by such means as a copy of a rental agreement or lease of property within the Project Area, copies of rent receipts, utility bills and/or copies of business licenses or permits, or similar documentation.

#### D. [§304] Required Proofs for Business Owner-Property Owner Category

Persons seeking to prove their eligibility for the category of Business Owner-Property Owner must, in addition to the proof required by paragraph A above, also provide evidence of current ownership of property within the Project Area by such means as a copy of their property tax bill and one or more documents verifying business ownership, such as copies of business licenses or permits, or similar documentation.

#### E. [§305] Multiple Qualifying Conditions

A person with multiple qualifying conditions shall be entitled to cast only one vote, regardless of the number of properties which that person owns or other

conditions which otherwise provide the basis for qualification. Entities and businesses which are not natural persons, such as partnerships or corporations, shall select only one person to vote or be a candidate for election on behalf of that entity or business.

#### IV. [§400] VOTER REGISTRATION

Prior to voting, any person desiring to vote must register with Agency staff by filling out and submitting to the Agency an affidavit of eligibility to vote as referred to in Part III above. The affidavit of eligibility shall be in the form set forth in the lower half of the Sample Ballot (Attachment No. 1 to these PAC Election Procedures).

Any person eligible to vote in more than one membership category must choose one category only in which to vote.

#### V. [§500] CANDIDATE FILING/STATEMENTS

Prior to the election, any person desiring to run for election to the PAC must fill out and file with the Agency the Candidate Information Form (Attachment No. 2 to these PAC Election Procedures) and such other documentation as is required under Part III above. Candidate filings may be made at the pre-election meeting described in Part VI below or may be otherwise submitted to the Agency, provided, however, that all candidate filings must be made no later than one (1) week prior to the election. In the event no candidate filings are made in a particular category prior to the one-week deadline, the Agency may, at its discretion, elect to extend the filing deadline for any period up to and including election day.

Any person eligible to be a candidate in more than one membership category must choose one category only for which to run.

All candidates from each membership category may submit appropriate election statements which shall be made available by the Agency immediately prior to the start of the election. Candidate statements shall not exceed one page (8-1/2" x 11") in length and must be submitted to the Agency no later than one (1) week prior to the election. Candidate statements, as submitted, may be reproduced and/or enlarged by Agency staff, but shall not otherwise be altered.

#### VI. [§600] PRE-ELECTION INFORMATIONAL MEETING(S)

The Agency shall conduct at least one (1) public meeting to explain the election process, provide Candidate Information Forms and answer any questions pertaining to eligibility requirements for voters and candidates, the scheduled date, time, and location of the election and similar matters. During the pre-election informational

meeting(s), the Agency shall accept Candidate Information Forms and election statements.

Notice of the date, time, and location of the pre-election informational meeting(s) shall be given pursuant to the procedures adopted by the City Council for the formation of a PAC for the Project Area (the "PAC Formation Procedures").

## VII. [§700] ELECTION

### A. [§701] Time of Election

The election of a representative PAC shall be held within 100 days after the Project Area is selected. The Agency shall establish an appropriate date, time, and location for the election.

### B. [§702] Notice of Election

Notice of the date, time, and place of the election shall be given pursuant to the PAC Formation Procedures.

### C. [§703] Balloting

Persons eligible to vote shall be entitled to cast votes only in the category for which they are eligible to vote. No write-in candidates will be allowed.

Ballots shall be provided for each membership category. Voting shall be conducted by secret ballot. The Agency shall make a reasonable effort to ensure private voting. Simply folding the ballot and passing it to an authorized election assistant will suffice.

The tallying of ballots shall be done immediately following the election. No absentee ballots shall be accepted.

### D. [§704] Results/Runoffs

The Agency shall announce the winners of each category of membership as soon as possible after the ballots for each category have been tallied. The candidate with the highest number of votes in the applicable membership category (or such number of candidates with the highest number of votes as there are positions available) shall be elected. In the event of a tie for a membership position, the person or organization to be designated for that position shall be selected by majority vote of the other members of the Project Area Committee at their first meeting.



#### VIII. [§800] CHALLENGES

The Agency shall retain all ballots and election results for presentation to the City Council in the event of any potential challenges. Any challenge to the election of any member to the PAC must be made in writing and filed with the City Council within fifteen (15) days after the election. The City Council shall use its reasonable discretion to resolve any questions presented by the challenge. The validity of all challenges shall be determined by the City Council within thirty (30) days after the election.

#### IX. [§900] VACANCIES

Vacancies in PAC membership shall be filled according to the PAC's adopted Bylaws.

ATTACHMENT NO. 1

SAMPLE RESIDENTIAL OWNER-OCCUPANT BALLOT

Please choose no more than two (2) of the following:

☐ Candidate 1

☐ Candidate 4

☐ Candidate 2

☐ Candidate 5

☐ Candidate 3

☐ Candidate 6

Please detach here

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ELIGIBILITY CERTIFICATE

I, \_\_\_\_\_, do hereby certify that I have read and understand the voter eligibility requirements described in the "Procedures for the Election of Members to Project Area Committees in the City of Lodi" (the "PAC Election Procedures") and that I am eligible to vote in the election of members to the Project Area Committee for the Lodi Redevelopment Project. My signature below acknowledges that I own and occupy residential property in the Lodi Redevelopment Project Area and that I am able to show proof of this upon demand. I understand that I am eligible to vote only in this category, regardless of qualifying to vote in other categories. I further understand that the violation of any of the voter eligibility requirements set forth in Sections 300-304 of the PAC Election Procedures will nullify the above ballot.

SIGNED: \_\_\_\_\_

\_\_\_\_\_  
Date

ADDRESS: \_\_\_\_\_

ATTACHMENT NO. 2

CANDIDATE INFORMATION FORM  
PROJECT AREA COMMITTEE

\_\_\_\_\_ PROJECT  
[Please Print]

NAME: \_\_\_\_\_

TELEPHONE NUMBER: (\_\_\_\_) \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_  
\_\_\_\_\_

I would like to serve as a member of the Project Area Committee for the \_\_\_\_\_  
Redevelopment Project under the following category (choose one of the following only;  
membership categories and qualifications are described on the reverse side of this form):

- ☐ Residential Owner-Occupant
- ☐ Residential Tenant
- ☐ Business Owner-Tenant
- ☐ Business Owner-Property Owner

ADDRESS: \_\_\_\_\_

NAME OF BUSINESS (if applicable): \_\_\_\_\_

BUSINESS LICENSE NUMBER (if applicable): \_\_\_\_\_

I HEREBY CERTIFY, UNDER PENALTY OF PERJURY, THAT THE FOREGOING  
INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND  
THAT I MEET THE REQUIRED QUALIFICATIONS TO BE DESIGNATED AS A  
MEMBER OF THE PROJECT AREA COMMITTEE FOR THE LODI REDEVELOPMENT  
PROJECT NO. 1.

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

DEADLINE FOR SUBMISSION: \_\_\_\_\_

Submit in person or by mail to the REDEVELOPMENT AGENCY OF THE CITY OF LODI,  
Attention: Rad Bartlam, Community Development Director, 221 West Pine Street, Lodi,  
California 95241.

Persons interested in serving on the Project Area Committee are hereby notified that, if elected,  
they must file, as a public record, a Statement of Economic Interest and must comply with  
provisions of the Conflict of Interest Code for the Project Area Committee.

## MEMBERSHIP CATEGORIES, QUALIFICATIONS AND DOCUMENTS REQUIRED TO BE FILED BY CANDIDATES

Proof that the candidate is at least 18 years of age or older, such as a copy of a birth certificate, voter's registration card, driver's license or California identification card, must be filed with the Voter Qualification Form.

### Residential Owner-Occupant:

To qualify as a candidate under this category, the person must own and occupy, as his or her principal place of residence, a residential dwelling located within the Lodi Redevelopment Project Area.

A copy of the property tax bill and one document verifying that the property is occupied by the owner, such as a utility bill, printed check, or other similar document, must be presented with the Candidate Information Form.

### Residential Tenant:

To qualify as a candidate under this category, the person must rent and occupy, as his or her principal place of residence, a residential dwelling located within the Lodi Redevelopment Project Area.

A copy of a rental agreement, lease agreement, rent receipt, statement from the landlord, or utility bill verifying that the property is occupied by the renter must be presented with the Candidate Information Form.

### Business Owner-Tenant:

To qualify as a candidate under this category, the person must own and operate a business located within the Lodi Redevelopment Project Area and rent the property where his or her business is located. Business Owner-Tenant shall include any person or legal entity which presents satisfactory evidence of ownership and operation of a business within the Project Area.

A copy of a rental agreement, lease agreement, rent receipt, utility bill, business license or permit, property tax bill, or similar documentation must be presented with the Candidate Information Form.

### Business Owner-Property Owner:

To qualify as a candidate under this category, the person must own and operate a business located within the Lodi Redevelopment Project Area and own the property where his or her business is located. Business Owner-Property Owner shall include any person or legal entity which presents satisfactory evidence of

ownership and operation of a business within the Project Area and ownership of the property where that business is located.

A copy of the property tax bill and one or more documents verifying business ownership, such as copies of business licenses or permits, or similar documentation must be presented with the Candidate Information Form.



***Please immediately confirm receipt  
of this fax by calling 333-6702***

CITY OF LODI  
P. O. BOX 3006  
LODI, CALIFORNIA 95241-1910

**ADVERTISING INSTRUCTIONS**

**SUBJECT:** NOTICE OF PUBLIC HEARING OF THE CITY COUNCIL OF THE CITY OF LODI ON  
THE ADOPTION OF COMMUNITY-WIDE ELECTION PROCEDURES FOR  
REDEVELOPMENT PROJECT AREA COMMITTEES

**PUBLISH DATE(s):** SATURDAY, AUGUST 25, 2001


**TEAR SHEETS WANTED:** Three (3) please

**SEND AFFIDAVIT AND BILL TO:** SUSAN BLACKSTON, CITY CLERK  
City of Lodi  
P.O. Box 3006  
Lodi, CA 95241-1910

**DATED:** AUGUST 22, 2001

**ORDERED BY:**

\_\_\_\_\_  
JACQUELINE L. TAYLOR  
DEPUTY CITY CLERK

  
JENNIFER M. PERRIN  
DEPUTY CITY CLERK

**Verify Appearance of this Legal in the Newspaper - Copy to File**

|  |  |           |                      |
|--|--|-----------|----------------------|
| Faxed to the Sentinel at 369-1084 at <u>4:40 pm</u> (time) on <u>8/22/01</u> (date) <u>2</u> (pages) |  |           |                      |
| Sharon _____   | Phoned to confirm receipt of all pages at _____ (time) | Jac _____ | Jen _____ (initials) |



## **DECLARATION OF POSTING**

On Thursday, August 23, 2001 in the City of Lodi, San Joaquin County, California, a copy of Notice of Public Hearing of the City Council of the City of Lodi on the adoption of community-wide election procedures for Redevelopment Project Area Committees (attached hereto, marked Exhibit "A") was posted at the following four locations:

Lodi Public Library  
Lodi City Clerk's Office  
Lodi City Hall Lobby  
Lodi Carnegie Forum

I declare under penalty of perjury that the foregoing is true and correct.


Executed on August 23, 2001, at Lodi, California.

ORDERED BY:

**SUSAN J. BLACKSTON**  
**CITY CLERK**

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Jacqueline L. Taylor  
Deputy City Clerk

  
Jennifer M. Perrin  
Deputy City Clerk



## CITY OF LODI

Carnegie Forum  
305 West Pine Street, Lodi

### NOTICE OF PUBLIC HEARING

Date: Wednesday, September 5, 2001

Time: 7:00 p.m.

For information regarding this notice please contact:

Susan J. Blackston

City Clerk

Telephone: (209) 333-6702

#### NOTICE OF PUBLIC HEARING OF THE CITY COUNCIL OF THE CITY OF LODI ON THE ADOPTION OF COMMUNITY-WIDE ELECTION PROCEDURES FOR REDEVELOPMENT PROJECT AREA COMMITTEES

NOTICE IS HEREBY GIVEN that the City Council of the City of Lodi (the "City Council") will hold a public hearing on **Wednesday, September 5, 2001**, commencing at 7:00 p.m., or as soon thereafter as the matter may be heard, at the Carnegie Forum, 305 West Pine Street, Lodi, California, to consider and act upon the adoption of proposed community-wide election procedures for redevelopment Project Area Committees.

The proposed Election Procedures for Project Area Committees (the "Procedures") have been prepared pursuant to Section 33385 of the Community Redevelopment Law (Health and Safety Code Section 33000 et seq.), which now requires legislative bodies to adopt community-wide procedures for the election of project area committee members.

Interested persons may inspect and, upon the payment of the costs of reproduction, obtain copies of the proposed Procedures at the office of the City Clerk of the City of Lodi, City Hall, 221 West Pine Street, Lodi, California.

Interested persons may submit written comments addressed to the City Council of the City of Lodi c/o City Clerk, at 221 West Pine Street, Lodi, California 95240 at, or prior to, the public hearing.

At the time and place noted above, all persons interested in the matter may appear and be heard.

Susan J. Blackston  
City Clerk

Dated: August 22, 2001

Approved as to form:

Randall A. Hays  
City Attorney